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FATHER JAS. C. BEISSEL ON THE INQUISITION

(Continued.)

WHAT SHOULD BE THOUGHT OF THE PROCEEDINGS OF THE INQUISITION IN GENERAL AND OF THE SPANISH INQUISITION IN PARTICULAR.

We have proven in the preceding article that the inquisition was legitimate in principle; and that in the times and countries, where it was established, there existed the right to punish those found guilty of propagating religious errors. Writers like Llorente, Limbroch, Prescott and others, in picturing the Spanish Inquisition in the blackest colors, as an unanswerable proof of the intolerance and cruelty of the Catholic Church, with whom they completely identify it, take it for granted that all the condemned were innocent, or, at most, misguided persons who suffered martyrdom for their honest religious convictions. This may be interesting reading in sensational works of fiction, but it is not history. The aim of such writers is to pandering to the prejudices and morbid tastes of a certain class of readers who, like the authors of such works, are utterly regardless of honesty and truth. But should we not rightly condemn the manner in which this right was exercised? Was there not cruelty in executing the sentences pronounced against the criminals? This is the question now to be examined. We shall solve it by the aid of a few remarks.

Remark I. This question is far from having the same importance as the first. It would be, indeed, absurd to reproach the Church with the abuses, of which the judges of the inquisition may have been guilty. As we can reasonably impute to a man only the acts and effects which are the result of his personal activity, in the same way can we reproach a social body only with what is the result of its nature and social action, in other words, of its constitutive principles, of its laws, and of the regular exercise of its authority. Who, indeed, would consider himself justified in holding civil law or military rules responsible for abuses of authority committed by the violation of these laws and rules, which the civil and military authority have enacted, and whose transgression they rightly condemn and punish? Now, the abuses which are brought forward against the inquisition are far from being the result of the principles of Catholicism; they are, on the contrary, radically opposed to its spirit, and in fact, they have been severely blamed by the Sovereign Pontiffs every time that they were brought to their notice. As history proves, it must be said to the everlasting credit of the Roman Pontiffs, that they never favored the Spanish Inquisition. Leo X. wished to abolish it altogether. Paul III., Pius IV. and Gregory XIII. strenuously opposed its introduction into the kingdom of Naples, and the Duchy of Milan, then subject to the Spanish Crown. From the beginning of the action of the Spanish Inquisition, Pope Sixtus IV. was very ill contented with it, and urged his objections so strongly that the ambassadors of both courts were ordered to leave their respective stations, and Ferdinand commanded all his subjects to leave Rome. The Pope at last made concessions by the Bull of Nov. 1, 1478. On receiving further accounts of the cruelties done by the inquisitors of Seville, he retracted the Bull, and ordered that in future the inquisitors should pass no judgment without the assistance of the Bishops. He further commanded that the inquisition should not be established in any other province, there being already the ordinary tribunals of the Bishops. When Isabella afterwards desired the withdrawal of the decree, which ordered the Bishops to sit with the inquisitors, Pope Sixtus IV. consented, but firmly refused. The next year, in order to temper the severity of the inquisition, he appointed Manrique, Archbishop of Seville, as Papal Judge of Appeals for all Spain, before whom all who thought themselves unjustly treated by the inquisitors, could take their cases. He further gave an appeal from the Archbishop to himself. The Holy Father thus quashed many prosecutions and softened the punishment in other cases. He moreover required that all those who abused their heresy should be treated with the utmost leniency; and conferred the King and the Queen "by the bowels of mercy in Jesus Christ" to show more tenderness to their subjects to those even who had unfortunately fallen into error. But King Ferdinand and afterwards the Emperor Charles V., replied by endeavoring to stop appeals from being carried to Rome.

Leo X. (1519) excommunicated all the officers of the tribunal of Toledo for their excessive severity. He demanded that all false witnesses should be punished according to the rigor of the law, so as to deter others from such a criminal course.

It is well known that writers of a certain school systematically hostile to Rome think to find in the Spanish Inquisition ample justification of their attitude toward the Catholic Church. But there is an answer to this charge and a very plain one. The Spanish Inquisition was, as we remarked above, a mixed court, viz.: a politico-eccle-

siastical tribunal; and as it was to take cognizance, among other things, of religious matters, the Spanish government could not establish it without the intervention of the spiritual authority competent to judge such topics. But as Dr. Brownson remarks (vol. xii., p. 27), "it was solicited by the Spanish Kings and conceded, though reluctantly, by the Pope, not as a tribunal against peaceable and inoffensive heretics, but, if there be any truth in history, it was established for the purpose of ferreting out and bringing to light persons who were secretly conspiring against royalty, as well as against religion; men plotting in secret to overthrow both Church and State by a violent and bloody revolution; persons whom our own laws would condemn and punish as criminals. That the secular power was guilty in some instances of injustice and cruelty in dealing with the accused, we do not deny; but the Church cannot be held responsible for abuses that proceeded from the violation of her injunctions, and against which the Roman Pontiffs loudly protested on many occasions sternly rebuking the inquisitors for their intemperate zeal. We are far from defending or justifying such abuses, though we firmly believe there has been much falsehood and exaggeration in the case." Abuses occurred only because that tribunal was gradually withdrawn from the authority and influence of the Holy See, and had been turned into a political machine to further political ends. It is a well known fact that the decrees of Rome protesting against excesses, annulling sentences passed in Spain, ordering trials to be transferred to Rome, were often ignored by the Royal officials, and papal letters addressed to the inquisitors were intercepted by Spanish ministers and never reached their destination. Llorente tries to take the edge off these remonstrances of the Holy See by insinuating that they sprang from the base motive of cupidity; that the Popes had an eye on the fees they could extort as the price of their absolution. The insinuation is an atrocious calumny, a charge as bold as untrue. It is triumphantly refuted by the Protestant historian Ranke, who, in his work entitled "Princes and Peoples" (vol. I., p. 241), distinctly asserts that all profits derived from the confiscations ordered by that tribunal went to the King, and that the proceeds of the collected fines formed a regular revenue of the royal exchequer. Hence the frequent complaints of the Spanish Kings that the POPE, BY RECEIVING APPEALS AND GRANTING SECRET ABSOLUTIONS, DEPRIVED THE ROYAL TREASURY OF CONSIDERABLE REVENUES. The Church never received a cent, as it was one of the standing rules that the decision of the Roman court should be given gratis in every case.

Remark II. Even if the accusations of wanton cruelty and bloodshed, charged against the inquisition, were well grounded, this would be no argument against the legitimacy of that tribunal. To prove an abuse of a thing does not prove the necessity of suppressing the lawful use of it; otherwise every human institution or invention would have to be put down, and not even railways, telegraphs and telephones would escape. An institution is deservedly condemned only when the abuses are not accidental, but spring necessarily from its essential character; that is, when the abuse is the effect caused by the institution itself. Apply these considerations to the Roman Inquisition, of which we speak now. The mode of proceeding against accused persons was accurate-

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ly defined by Bulls of the Popes and by canon law. No one could even be imprisoned until his guilt had been clearly established before a judicial tribunal. No one could be worried by excessive delays in conducting the trial. There were stringent rules with regard to the character of witnesses, and false testimony was treated with the utmost severity. The judges were ordered never to condemn anyone except on the clearest proofs of guilt. For, as the Pontiffs said, it is better that crime should go unpunished than that an innocent man should be punished as guilty. Moreover, it must be noted that confession of guilt would at once have exempted the accused from all punishment, or at least would have secured so great a mitigation of its rigor that it ceased to deserve that name. Here Prescott is guilty of downright falsehood when he asserts that penalties were indiscriminately inflicted on all the accused, whether they confessed their guilt or remained obstinate, and that few among those suspected of heresy could escape the fury of that dread tribunal. The charge is so infamous as to deserve refutation. The truth of the matter is that whosoever confessed his guilt and promised to reform was absolved and immediately set free (see Parson's "Studies in Church History" vol. II., p. 408). What other tribunal is there, it has been justly asked, where a plea of guilty would be followed by such merciful consequences? We have here a perfect imitation of what actually takes place in the tribunal of penance, where sincere confession of guilt is invariably followed by sacramental absolution. Behold here how closely the Church, in her legislation imitates the mercy of her divine Founder! Hence we have reason to conclude that the PROCEEDINGS OF THE INQUISITION WERE FAR MORE JUST THAN THOSE OF ANY JUDICIAL COURT IN EUROPE.

Remark III. It is important to recall the statements of an eminent writer, Abbe de Vayrac, "L'Etat present d'Espagne," on the mode of procedure followed by that tribunal:

(1) Its officers were chosen from the most respectable and competent personages of the realm.

(2) All accusations presented to it were to be received with extreme difficulty, and informers were severely punished when judicially convicted of falsehood. According to Simancas, one of the most prominent lawyers of the sixteenth century ("Cath. Institutions Against Heresy," 1552), no one could be arrested unless accused by three different witnesses, each of whom was to be ready to swear that he was telling the truth, and was not actuated by any malice. If he relapsed but soon repented, he was released. Only on the third conviction the accused was finally consigned to the civil court for judgment.

(3) To the accused was immediately assigned an advocate or counsel to defend them, and if the first hearing showed the innocence of the accused they were at once set free.

This is a striking contrast to the English code of former years, when no counsel was allowed to the accused and the charges made against them were not known to them until they came into court to be tried. But the accused had the right of summoning witnesses in their defense from the remotest regions, even from beyond the sea, and ample time was given to secure his presence.

(4) No sentence of subordinate judges could be executed without the assent of the supreme tribunal, whose duty it was to revise the whole process and either approve or reject the verdict, according to the evidence elicited from the acts.

(5) The interrogatory, or what we might call the cross-examination, always took place before two priests not connected with the inquisition, whose duty was to prevent all violence and arbitrary proceeding. No one could be even confined to prison unless condemned by unanimous vote of all the judges. It is true that from the persons accused were concealed the names both of the accusers and of the witnesses, but this was wisely and prudently done, says the Protestant historian, Ranke, in order to protect them against noblemen and their sympathizers and adherents.

However, this secrecy was common in all the tribunals of those days, and the eminent jurist, Jeremy Bentham, admits that in many cases such secrecy may be absolutely necessary to public security, even in our times. (Vol. II., p. 191.)

We must, moreover, remember that the judges appointed to impose corporal penalties for the crime of heresy were civil judges; the office of the ecclesiastical authority being that of establishing the guilt of the accused, a task entirely beyond the competence of the secular rulers. Wherever the tribunal inflicted severe or excessive punishment, death especially, the government was the agent; it is the government, therefore, that must bear the blame, when blame is rightly deserved. Moreover, as we have seen, the State, Christian and Catholic, in lending to the Church the aid of the secular arm, was only fulfilling a duty, that of safeguarding the sacred rights of conscience and truth, and of protecting from all danger the paramount interests of civil society.

Divine authority and Christian tradition amply justify secular princes in aiding the Church with their power. Thus the Jewish people were commanded to try, and, after sentence, to stone anyone, whoever he might be, who blasphemed the Lord, or counseled them to apostatize, viz., to depart from the worship of the true God. (See Levit. xxiv., 14.) St. Augustine (A. D. 470) defended, or, rather, urged, the most strenuous measures against the Donatists (furious heretics of the fourth century) in order to repress them. This, he said, is the proper exercise of the power (secular) instituted

by God, also for the preservation and defense of the Church. His doctrine on this point is tersely expressed in the following sentence of his 93rd letter, No. ix: "Servant reges terrae Christo, etiam leges ferendo pro Christo" (Let kings serve Christ also by making laws for Christ).

(Continued on Page Six.)

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J. H. TOWNSEND,
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For Waianae, Waianae, Kahuku and Way Stations—9:15 a. m., 9:30 p. m.
For Pearl City, Ewa Mill and Way Stations—10:30 a. m., 9:15 a. m., 11:05 a. m., 9:15 p. m., 9:30 p. m., 9:55 p. m., 10:30 p. m., 11:00 p. m.
For Wahiawa—9:15 a. m. and 9:15 p. m.

INWARD.

Arrive Honolulu from Kahuku, Waianae and Waianae—8:36 a. m., 5:31 p. m.
Arrive Honolulu from Ewa Mill and Pearl City—10:46 a. m., 8:36 a. m., 10:38 a. m., 1:40 p. m., 4:31 p. m., 5:31 p. m., 7:30 p. m.
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